

**UNION PACIFIC RAILROAD COMPANY**

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December 20, 2002

**VIA U.P.S. OVERNIGHT**

Mr. Vernon Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001



**RE: STB Docket AB-33 (Sub-No. 192X), Union Pacific Railroad Company  
- Abandonment Exemption - In Salt Lake and Utah Counties, Utah**

Dear Mr. Williams:

The Union Pacific Railroad Company has received a Statement of Willingness to Assume Financial Responsibility from the Utah Transit Authority ("UTA") for that portion of the Union Pacific's right-of-way and track structure between Milepost 772.00 near Cutler and Milepost 775.23 near Mount, a distance of approximately 3.23 miles in Salt Lake and Utah Counties, Utah. The Union Pacific is willing to enter into a trail use rail banking agreement with the UTA and supports the UTA's request for trail use/rail banking under 49 C.F.R. § 1152.29. A copy of the UTA's request is attached hereto as Exhibit "A" and hereby made a part hereof.

Ten (10) additional copies of this letter and exhibit are enclosed for the Board's use and distribution.

Very truly yours,

Mack H. Shumate, Jr.  
Senior General Attorney

Enclosures

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Office of Proceedings

DEC 23 2002

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Public Record

**Kirkpatrick & Lockhart LLP**

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December 12, 2002

Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, NW, Room 711  
Washington, DC 20423



Re: Union Pacific Railroad Company – Abandonment Exemption – In Salt Lake and Utah Counties, UT, STB Docket No. AB-33 (Sub-No. 192X)

Dear Mr. Williams:

This letter is filed on behalf of Utah Transit Authority (hereinafter referred to "UTA").

UTA requests issuance of a Notice of Interim Trail Use ("NITU") for the rail line known as the Provo Industrial Lead between approximately MP 772.00 near Cutler and approximately MP 775.23 near Mount (the "Subject Line"), a distance of approximately 3.23 miles in Salt Lake and Utah Counties, Utah.<sup>1</sup>

On December 2, 2002, the Surface Transportation Board ("STB") served and published notice that Union Pacific Railroad Company ("UP") filed a notice of exemption under 49 CFR Part 1152, Subpart F to abandon the Subject Line. The notice provided that any request for trail use/rail banking under 49 CFR § 1152.29 must be filed no later than December 12, 2002. UTA respectfully seeks rail banking and interim trail use on the Subject Line.

UTA makes the following statement in support of the NITU request:

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, Utah Transit Authority is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the

<sup>1</sup> This NITU request is related to the following proceedings: 1) Union Pacific Railroad Company – Abandonment Exemption– In Davis and Weber Counties, UT, STB Docket No. AB- 33 (Sub-No. 191X); 2) Union Pacific Railroad Company – Abandonment Exemption– In Utah County, UT, STB Docket No. AB- 33 (Sub-No. 193X); and 3) Union Pacific Railroad Company – Abandonment Exemption– In Salt Lake County, UT, STB Docket No. AB- 33 (Sub-No. 194X).

**Kirkpatrick & Lockhart LLP**

Mr. Vernon A. Williams  
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payment of any and all taxes that may be levied or assessed against the right-of-way owned by Utah Transit Authority and operated by Union Pacific Railroad Company.

The property, known as the Provo Industrial Lead, extends from approximately railroad milepost 772.00 near Cutler to approximately railroad milepost 775.23 near Mount, a distance of 3.23 miles in Salt Lake and Utah Counties, Utah. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-33 (Sub-No. 192X).

A map of the property depicting the right-of-way is attached.

Utah Transit Authority acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on Union Pacific Railroad Company on the same date it is being served on the Board.

Sincerely,



Tracie D. Spear  
Counsel for Utah Transit Authority

Enclosure

cc: Mack Shumate, Union Pacific Railroad Company

